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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,533	08/26/2003	Yuzo Fukunaga	116919	2272
25944	7590	03/15/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EVANISKO, LESLIE J	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

HA

Office Action Summary	Application No.	Applicant(s)	
	10/647,533	FUKUNAGA ET AL.	
	Examiner	Art Unit	
	Leslie J. Evanisko	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>marked-up copy of Fig 4(A) of US 5779402</u> |

DETAILED ACTION

Election/Restrictions

1. Claims 1-15 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on August 4, 2004.

Note the previous comments set forth in the Office Action dated September 20, 2004 regarding the Examiner's response to applicant's traversal of the requirement.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 16-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, it is noted that applicant has amended the claims to

recite the protrusion is formed directly on the surface of the molded member.

However, it is not clear that this language is supported by the ORIGINAL disclosure or accurate in terms of what is disclosed and therefore appears to be new matter. Specifically, the disclosure repeatedly discusses the printing process as printing at least one ink character and then printing the protrusions in an overlapping manner over the ink characters. See, for example, lines 6-12 on page 13, lines 9-16 of page 16, lines 10-16 of page 18, and lines 15-17 on page 19 of the specification and Figure 6. Therefore, it would appear that since the printed indicia and printed protrusions overlap, the protrusions are not printed directly on the surface of the molded member (since there is an ink layer between the protrusions and surface). Therefore, it appears that the recitation that the protrusion is formed directly upon the surface of the molded member is not accurate or properly supported by the specification.

Appropriate correction and/or clarification is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukumoto (US 5,779,482) in view of Kumamoto (US 4,776,270). Fukumoto teaches a method as recited comprising printing a character of the surface of a member and printing a protrusion "directly" on the surface of the member on which the character has already been printed. See, Figure 4 and column 4, lines 45-51 and column 5, lines 25-40 in particular. Note Fukumoto teaches the object being printed can be a 3-dimensional object made of various materials such as metal, plastic, ceramics, etc. in column 4, lines 16-21. Although Fukumoto is silent with respect to whether the member being printed is a molded member, Kumamoto teaches that a molded plastic member upon which printing is applied is well known in the art. See column 1, lines 42-46, column 2, lines 32-35, and column 3, lines 26-29 of Kumamoto in particular. In view of this teaching, it would have been obvious to one of

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ordinary skill in the art to provide a molded plastic member as taught by Kumamoto in the method of Fukumoto as it would simply require the obvious substitution of one known plastic member for another to allow for easier manufacture of the product and to allow for printing information for both sighted and sightless persons on a molded product.

With respect to claim 19, note the molded member of Fukumoto (as modified by Kumamoto) can have a curved surface (see column 3, line 28 of Kumamoto) and includes the first and second print regions as shown in the marked up copy of Figure 4(A) of Fukumoto attached to this Office Action. Note the claim as currently written only broadly defines the various regions and thus Fukumoto in view of Kumamoto renders obvious the method as recited.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukumoto in view of Kumamoto as applied to claims 16 and 19 above, and further in view of Kanao (JP 08-324575) and Thompson, Sr. (US 5,740,730). Fukumoto in view of Kumamoto teach a method as recited with the exception of the particular details of the printing steps. In particular, it is noted that Fukumoto is silent with respect to how the printing steps are executed and whether the printing steps including screen printing. Note Kanao teaches a method of printing a plastic resin component with both printed indicia and protrusions including screen printing the characters on the surface in

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paragraph 0006 and also screen printing the protrusion on the surface in paragraph 0007. Although Kanao is silent with respect to the particular sizes of the through holes of the screen, note the use of two printing screens with through holes of different sizes to produce different size/thickness indicia is well known in the art, as exemplified by Thompson, Sr., for example in Figures 1 and 5. In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide the printing method of Fukumoto in view of Kumamoto with screen printing steps as taught by Kanao to provide clear printing of the printed indicia and protrusions on the molded object.

Furthermore, it would have been obvious to one of ordinary skill in the art to provide the through holes of the two screens to have different sizes as taught by Thompson, Sr. such that the through holes of the second screen printing screen printing the protrusions in Fukumoto as modified by Kumamoto and Kanao will be greater than the size of the through holes of the first screen which printed the characters on the component surface to allow for a thicker, raised indicia or protrusion to be easily printed upon the component.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukumoto in view of Kumamoto as applied to claims 16 and 19 above, and further in view of Kanao (JP 08-324575). Fukumoto in view of Kumamoto teach a method of producing a molded component having all of the steps with the possible exception of the protrusion printing step including using a plate

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film with a thickness as recited. Note again that Fukumoto is silent with respect to the particular method in which the printing is applied to the object. Regardless, note Kanao teaches printing protrusions upon a plastic resin curved surface using a plate film for screen printing is well known in the art, as exemplified by paragraphs [0007] and [0009]. Furthermore, note the plastic molded object of Fukumoto as modified by Kumamoto will inherently have a grain surface (i.e., minor variations in height) to some extent with upper-leveled and lower leveled portions. Clearly one of ordinary skill in the art would recognize the need to provide the protrusions being printed on the object to be of a size such that they are distinguishable from the ordinary surface variations caused by manufacturing and/or material properties. Therefore, it would have been obvious to one of ordinary skill in the art to provide the protrusion printing step using a plate film (as taught by Kanao) in the method of Fukumoto as modified by Kumamoto such that the film has a thickness greater than a distance between the upper leveled and lower leveled portions of the surface in order to produce protrusions that are distinguishable from the container surface by touch for easier use by sightless individuals.

Response to Arguments

9. Applicant's arguments with respect to claims 16-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on M-Th 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leslie J. Evanisko
Primary Examiner
Art Unit 2854

lje
March 8, 2005